

1 Michele R. Stafford, Esq. (SBN 172509)
Adrian L. Canzoneri, Esq. (SBN 265168)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, CA 94104
(415) 882-7900
4 (415) 882-9287 – Facsimile
mstafford@sjlawcorp.com
5 acanzoneri@sjlawcorp.com

6 Attorneys for Plaintiffs

7 Chad T. Wishchuk, Esq. (SBN 214779)
Laura B. MacNeel, Esq. (SBN 251540)
8 Finch, Thornton & Baird, LLP
4747 Executive Drive, Suite 700
9 San Diego, CA 92121
(858) 737-3100
10 (858) 737-3101 – Facsimile
cwishchuk@ftblaw.com
11 lmacneel@ftblaw.com

12 Attorneys for Defendant

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15

16 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
17 TRUST FUND, et al.,

18 Plaintiffs,

19 v.

20 DAVID M. SCHMITT, a California Sole
Proprietorship,

21 Defendant.
22

Case No.: 15-02980 MMC

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

Date: ~~January 8, 2016~~

Time: 10:30 a.m.

Dept.: ~~Courtroom E, 15th Floor~~
450 Golden Gate Ave.
San Francisco, CA

Judge: Honorable Maxine M. Chesney

23 Plaintiffs and Defendant, by and through their respective counsel of record, hereby
24 respectfully request that the Case Management Conference, currently on calendar for January 8,
25 2016, and all related dates, including the parties' initial disclosure obligations pursuant to FRCP
26 26, be continued for approximately sixty (60) days. GOOD CAUSE exists for the granting of the
27 continuance, as follows:
28

1 1. As the Court's records will reflect, this action was filed by Plaintiffs on June 26,
2 2015 [Dkt. No. 1].

3 2. Defendant was served, via substitute service, on July 2, 2015. Plaintiffs filed a
4 Proof of Service of Summons with the Court on July 20, 2015 [Dkt. No. 8].

5 3. Defendant filed an Answer to the Complaint on August 6, 2015 [Dkt. No. 10]. On
6 September 11, 2015, the parties, through their respective counsel, conferred pursuant to FRCP
7 26(f). During the conference, the parties agreed to participate in further informal settlement
8 discussions to determine whether the dispute could be resolved without further Court intervention.
9 The parties wish to conserve party and Court resources to further this purpose.

10 4. In addition, the parties participated in an ADR Phone Conference with the Court's
11 Alternative Dispute Resolution Program on September 24, 2015. A further ADR Phone
12 Conference is scheduled for January 5, 2016.

13 5. This case involves an alleged audit and alleged trust fund contributions. In an
14 attempt to further settlement negotiations, Defendant has recently submitted documentation to
15 Plaintiffs' auditors, which are currently under review. Plaintiffs' auditors intend on having the
16 review completed by the end of January 2016, if possible.

17 6. Therefore, the parties jointly request a continuance of the Case Management
18 Conference so as to allow the subject audit to be completed, and to give the parties additional time
19 to discuss the audit results, and work to facilitate resolution of this matter without the need for
20 further and unnecessary litigation.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

7. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's time and resources, Plaintiffs and Defendants jointly and respectfully request that the Case Management Conference, currently scheduled for January 8, 2016, and all related dates, including the parties' disclosure obligations pursuant to FRCP 26, be continued for approximately sixty (60) days, to allow sufficient time for the subject audit to be completed and for the parties to continue their attempts to resolve this matter outside of litigation.

SO STIPULATED.

Dated: December 18, 2015

SALTZMAN & JOHNSON
LAW CORPORATION

By: /s/
Adrian L. Canzoneri
Attorney for Plaintiffs

Dated: December 18, 2015

FINCH, THORNTON & BAIRD, LLP

By: /s/
Laura B. MacNeel
Attorney for Defendants

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to March 11, 2016, in Courtroom 7. All related deadlines, including the parties' disclosure obligations pursuant to FRCP 26 are also extended accordingly.

Date: December 18, 2015


UNITED STATES DISTRICT JUDGE